

2020 Vulnerable Adult Abuse Conference

November 5 - 6, 2020



- **Investigating and Prosecuting Financial Crimes Against Vulnerable Adults**
- **Investigating and Prosecuting Crimes of Violence Against Vulnerable Adults**
 - **Introduction to the Neurobiology of Trauma**
 - **Trauma-Informed Interviewing Vulnerable Adults**

Presented by:

Chief Mike Milnor (Ret.)

Owner, Justice 3D

&

Nancy Oglesby

Justice 3D Prosecutor

Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

3838 N. Central Ave., Suite 850

Phoenix, Arizona 85012

ELIZABETH BURTON ORTIZ

EXECUTIVE DIRECTOR

Combating Financial Abuse for Vulnerable Adults

Elliott Casey
Justice 3d

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Goals for Today

1. Understand the nature of the problem.
2. Examine the tools available for information sharing and public-private partnerships.
3. Share potential investigative tools to build strong cases.

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Who Are We Protecting?

- "An individual is a vulnerable adult if he is 'unable to protect himself from abuse, neglect or exploitation by others because of a physical or mental impairment.'
 - A.R.S. §§ 46-451(A)(9), 13-1802(K)(6)."
- Many, but not all, of these victims are older.

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Some Statistics (DOJ)

- In 2010, 13% of U.S. population was 65 or older. By 2030, that figure will grow to almost 20%
- Each year, 5% of older Americans will be financially exploited by a family member, 8% will be victims of consumer fraud
- Older adults lose more than \$2.9 billion annually from financial exploitation

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Top 10 Financial Schemes Targeting Seniors (NCOA)

- | | |
|---|---|
| • Medicare/health insurance fraud | • Internet fraud (email/phishing scams) |
| • Counterfeit prescription drugs | • Investment schemes |
| • Funeral & cemetery scams | • Homeowner/reverse mortgage |
| • Fraudulent anti-aging products | • Sweepstakes & lottery scams |
| • Telemarketing ("pigeon drop", fake accident, charity scams) | • Grandparent scam |
| | • (Home repair/tree removal, etc.) |

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Arizona Statutes

- Theft from a vulnerable adult is Section 13-1802(B), A.R.S.:
- "A person commits theft if, without lawful authority, the person knowingly takes control, title, use or management of a vulnerable adult's property while acting in a position of trust and confidence and with the intent to deprive the vulnerable adult of the property. Proof that a person took control, title, use or management of a vulnerable adult's property without adequate consideration to the vulnerable adult may give rise to an inference that the person intended to deprive the vulnerable adult of the property."

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Arizona: Theft A.R.S. § 13-1802(A)(1)-(6)

- A. A person commits theft if, without lawful authority, the person knowingly:
 1. **Controls** property of another with the *intent to deprive* the other person of such property; or
 2. **Converts** for an unauthorized term or use services or property of another entrusted to the defendant or placed in the defendant's possession for a limited, authorized term or use; or
 3. **Obtains** services or property of another *by means of any material misrepresentation* with intent to deprive the other person of such property or services; or
 4. ...
 5. Controls property of another *knowing or having reason to know* that the *property was stolen*; or ...

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Frequent problems in cases with vulnerable adult victims

- Victim can't testify
- Victim has cognitive/memory issues
- Victim has consented to transactions
- Perpetrator has control over finances/regularly signs checks
- Perpetrator entitled to some compensation
- Can't establish a lie by the defendant
- Victim may be uncooperative
- Prosecution may cause additional harm

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APRI Study: Elder Abuse Experts' Complaints about Prosecution

- Constantly shifting priorities and resources
- Lack of training (VCPEA, May 31-June 2)
- "They won't take cases they can't win"
- Family theft is often hard to prove
- Prevention is better than remediation (participation in public events)
- Lack of trained law enforcement
- Victim assistance isn't up-front, it's once you get to court

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Gathering Evidence of Financial Fraud

Tools and Statutory options

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Obtaining Financial Records

Guide for Law Enforcement

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Financial Subpoenas

Power of Paper

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Fair Credit Reporting Act

- 15 U.S.C. 1681
 - Section 609(e)
 - Victim may request information if he/she is a victim of identity theft
 - Form is located at www.ftc.gov
 - Must respond in 30 days

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Financial Search Warrants

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Fourth Amendment

- The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, &
- No Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

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Every Digital Device Search Warrant Should:

- 1) Effectively name *WHAT* is being searched
- 2) Effectively name *FOR WHAT EVIDENCE* the officer is searching
- 3) Effectively provide probable cause that whatever the officer is seeking is evidence of the crime.
- 4) Effectively provide probable cause ("a fair probability") that the evidence being sought will be in the thing being searched

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Arizona: Particularity

- To determine whether a warrant's description of items to be seized is sufficiently particular, a Court will consider:
 - 1) Whether probable cause exists to seize all items of a particular type described in the warrant,
 - 2) Whether the warrant sets out **objective standards** by which executing officers can differentiate items subject to seizure from those which are not, and
 - 3) Whether the government was able to **describe the items** more **particularly** in light of the information available to it at the time the warrant was issued.
- *State v. Dean*, 241 Ariz. 387, ¶ 7 (App. 2017) (quoting *United States v. Spilotro*, 800 F.2d 959, 963 (9th Cir. 1986)).

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Messerschmidt v. Millender

- Suspect's girlfriend, fearful that the suspect would assault her, called the police to stand by while she moved out of the residence.
- Unfortunately, the police had to leave for an emergency.
- Suspect then appeared, angry that the victim had called the police, and physically assaulted her by beating her and attempting to throw her off a balcony.
- The victim then fled. Suspect pursued, firing a sawed-off shotgun at her repeatedly.

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Search Warrant

- Suspect had numerous firearm and violent offenses and was a member of the Crips.
- Police obtained a search warrant for the suspect's residence based on the victim's statement and the suspect's record.
- The warrant authorized a search for all guns and gang-related material.
- The detective detailed the facts, the suspect's extensive criminal record, his own training and experience, and then consulted a prosecutor and two superior officers before obtaining the warrant.

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Messerschmidt v. Millender

- Suspect sued seeking to hold the officers personally liable under 42 U. S. C. § 1983
- He argued that the search violated his Fourth Amendment rights because there was not sufficient probable cause to believe the items sought were evidence of a crime.
- The 9th Circuit held that the warrant was invalid, and that the officers were not entitled to immunity from personal liability because this invalidity was so obvious that any reasonable officer would have recognized it, despite the magistrate's approval.

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Court: Reversed, Suit Dismissed

- 565 U.S. 1032 (2011)
- The detective's decision to consult with superiors and the District Attorney demonstrated his good faith.
- Suspect's possession of one illegal gun, his gang membership, his willingness to use the gun to kill someone, and his concern about the police, allowed a reasonable officer to conclude that there would be additional illegal guns.
- A reasonable officer also could believe that seizure of the firearms was necessary to prevent further assaults on the victim.

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- "Articles of evidence showing street gang membership or affiliation with any Street Gang to include but not limited to any reference to 'Mona Park Crips', including writings or graffiti depicting gang membership, activity or identity.
- **Articles of personal property tending to establish the identity of person [sic] in control of the premise or premises.**
- Any photographs or photograph albums depicting persons, vehicles, weapons or locations, which may appear relevant to gang membership, or which may depict the item being sought and or believed to be evidence in the case being investigated on this warrant, or which may depict evidence of criminal activity.
- Additionally to include any gang indicia that would establish the persons being sought in this warrant, affiliation or membership with the 'Mona Park Crips' street gang."

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Dominion & Control

- A reasonable officer could view attack as motivated not by the souring of the romantic relationship with the victim but instead by a desire to prevent her from disclosing details of his gang activity to the police.
- A reasonable officer could believe that evidence demonstrating suspect's membership in a gang might prove helpful in impeaching him or rebutting various defenses he could raise at trial.
- Given suspect's known gang affiliation, a reasonable officer could conclude that gang paraphernalia found at the residence would be an effective means of **demonstrating his control over the premises or his connection to evidence found there.**

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Evidence of Intent / Absence of Mistake

- In *Andreson v. Maryland*, 427 U.S. 463 (1976), police sought a search warrant for records of an attorney who was fraudulently conducting real estate settlements in the D.C. area.
- Investigators searched his office and seized files relevant to the case mentioned in the warrant and also relevant to other frauds committed by the Defendant.
- The United States Supreme Court found that documents pertaining specifically to a lot other than Lot 13T (the lot mentioned in the warrant) would be relevant and admissible, as proof of similar acts is admissible to show intent or the absence of mistake.

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Proving Intent – AZ Law

- "In many cases [fraudulent intent] must be inferred from acts of the parties, and inferences may arise from a combination of acts, even though each act or instance, standing by itself, may seem unimportant."
 - *State v. Sullivan*, 205 Ariz. 285, 287, ¶ 8 (App. 2003) (quoting *State v. Maxwell*, 95 Ariz. 396, 399 (1964)).

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You Must be "Particular" – But How?

- "Unlike with murder weapons or drugs, when an offense concerns the use of hard copy or electronic files and documents a court cannot be sure which files will be relevant and the warrant may not be able to state as specifically what should be searched and seized. Therefore, courts have required less particularity in the warrant." *United States v. Sassani*, 97-4011 (4th Cir. 1998)

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Can You Be Broad AND Particular?

- A warrant may be broad, in that it authorizes the government to search an identified location or object for a wide range of potentially relevant material, without violating the particularity requirement.
 - *US v. Ulbricht*, 858 F.3d 71 (2nd Cir. 2017)
- In *Ulbricht*, the Court permitted the FBI to search anywhere in a computer for specific types of evidence (travel that related to his offenses, etc.)

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When Does Broad = Particular?

- For example, a warrant may allow the government to search a suspected drug dealer's entire home where there is probable cause to believe that evidence relevant to that activity may be found anywhere in the residence.
- When the criminal activity pervades [an] entire business, seizure of all records of the business is appropriate, and broad language used in warrants will not offend the particularity requirements.
 - *U.S. Postal Serv. v. C.E.C. Servs.*, 869 F.2d 184, 187 (2d Cir. 1989)

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Restricted Searches

- There is no requirement that a warrant authorize *only* a search of *only* those files in a digital device that relate to the designated offenses. *United States v. Williams*, 592 F.3d 511 (4th Cir., 2010)
- "In this case, the warrant authorized a search of Williams' computers and digital media for evidence relating to the designated Virginia crimes of making threats and computer harassment."
- "To conduct that search, the warrant impliedly authorized officers to open each file on the computer and view its contents, at least cursorily, to determine whether the file fell within the scope of the warrant's authorization — i.e., whether it related to the designated Virginia crimes of making threats or computer harassment."

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FinCEN, SARs, and CTRs

Federal Resources for local investigations

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Section 314: SAR Requirement

SARs... but the good kind

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SAR Requirement

- If, as a result of information shared pursuant to this section, a financial institution knows, suspects, or has reason to suspect that an individual, entity, or organization is involved in, or may be involved in terrorist activity or money laundering, and such institution is subject to a suspicious activity reporting requirement under this part or other applicable regulations, the institution shall file a Suspicious Activity Report in accordance with those regulations.

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Emergency Clause

- In situations involving violations requiring immediate attention, such as when a reportable violation involves terrorist activity or is ongoing, the financial institution shall immediately notify, by telephone, an appropriate law enforcement authority and financial institution supervisory authorities in addition to filing timely a SAR

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Brief History

- Annunzio-Wylie AML Act required SAR filings pre-9/11.
- The Patriot Act expanded the SAR requirement to other institutions, other than banks
 - Credit unions, thrifts, securities, etc.
- The Patriot Act also expanded law enforcement access to foreign financial institutions via their US affiliates.

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SAR Categories

- | | |
|-----------------------------------|---------------------------------|
| • Structuring | • Loan Fraud |
| • Money Laundering | • Computer Intrusion |
| • Bribery | • Counterfeit Check/Instrument |
| • Check Fraud | • Counterfeit Debit/Credit Card |
| • Check Kiting | • Debit/Credit Card Fraud |
| • Theft/Embezzlement | • Mysterious Disappearance |
| • False Statement | • Terrorist Financing |
| • Misuse of Position/Self-Dealing | • ID Theft |
| • Wire Transfer Fraud | |

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Federal Law Requires Banks, etc. to Report Suspected Abuse

- 31 CFR Part 103 requires Financial Institutions to alert law enforcement if they know, suspect, or has reason to know based on the facts that a criminal offense is taking place or that a transaction is taking place with an unlawful purpose
- Reports filed on elder abuse are increasing

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Elder Fraud Reporting Has Exploded

- Elder financial exploitation Suspicious Activity Report (SAR) filings increased dramatically over the six-year study period, from about 2,000 filings per month in 2013 to reaching a peak of nearly 7,500 filings per month in August 2019.
- Depository institutions (DI) submitted over 70 percent of all SARs on elder financial exploitation from 2013 through 2015. In 2016, this trend shifted significantly when money services business (MSB) filings surpassed DI filings.

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MSB versus Bank Fraud

- SAR narratives of a statistically representative sample indicated that 77% of reported elder financial exploitation scams involved money transfer scams conducted through MSBs.
- 21% involved theft perpetrated through depository institutions.

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Commonly-Reported Exploitation Schemes

- **Romance:** Scammers establish a romantic relationship with their victims and then request money for “hardships” they experience, or to “visit” the victim (but never do).
- **Emergency/Person-in-need:** Scammers prey on victims’ emotional vulnerability by claiming to be a loved one who needs money quickly to help with an emergency.
- **Prize/Lottery:** Scammers coerce their victims into sending an “import tax” or “fee” in order to receive the money they have supposedly won in a lottery.

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Dollar Losses Are Staggering

- Financial institutions reported \$6 billion in actual losses and attempts in EFE SARs filed between April 2013 and December 2017.
- In 2014, actual losses and attempts totaled \$931 million.
- In 2017, actual losses and attempts totaled \$1.7 billion.

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Victims Usually Lose

- Nearly 80 percent of EFE SARs involve a monetary loss to older adults and/or the filer.
- In about half of EFE SARs, the entire amount reported was a monetary loss to older adults, the filer, or both.
- In 28 percent of EFE SARs, the amount reported included both a monetary loss and an attempted theft of the older adult’s funds.
- Only 15 percent of EFE SARs describe solely an attempt with no actual monetary losses involved.
 - These SARs often describe transactions that were blocked, rescinded, or refunded with no loss to the customer or filer.

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When a FI must file a SAR

- Banks, bank holding companies, and their subsidiaries are required by federal regulations to file a SAR with respect to:
 - Criminal violations involving insider abuse in any amount.
 - Criminal violations aggregating \$5,000 or more when a suspect can be identified.
 - Criminal violations aggregating \$25,000 or more regardless of a potential suspect.
 - Transactions conducted or attempted by, at, or through the bank (or an affiliate) and aggregating \$5,000 or more, if the bank or affiliate knows, suspects, or has reason to suspect that the transaction:

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When... con'd

- Reasons to file, con'd
 - May involve potential money laundering or other illegal activity (e.g., terrorism financing).
 - Is designed to evade the BSA or its implementing regulations.⁵⁴
 - Has no business or apparent lawful purpose or is not the type of transaction that the particular customer would normally be expected to engage in, and the bank knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

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What is a "transaction"

- A transaction includes a deposit; a withdrawal; a transfer between accounts; an exchange of currency; an extension of credit; a purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument or investment security; or any other payment, transfer, or delivery by, through, or to a bank.

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30 Days to File

- A SAR must be filed no later than 30 calendar days from the date of the initial detection of facts that may constitute a basis for filing a SAR (i.e. The date that you make the determination that the activity is suspicious)
 - If no suspect can be identified, the time period for filing a SAR is extended to 60 days
 - The time period to file a SAR starts when the institution, in the course of its review or as a result of other factors, reaches the conclusion in which it knows, or has reason to suspect, that the activity or transactions under review meets one or more of the definitions of suspicious activity

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Supporting Documentation

- Institutions filing SARs should identify within the SAR, and are directed to maintain all supporting documentation related to the activity being reported.
- Disclosure of supporting documentation related to the activity that is being reported on a SAR does not require a subpoena or court order
- Financial Institutions must disclose supporting documentation for a SAR upon request by law enforcement

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Safe Harbor

- 31 USC 5318(g)(3) provides protection from civil liability for all reports of suspicious transactions made to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to the SAR instructions.

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MAY NOT Disclose the Existence of a SAR

- No bank, and no director, officer, employee, or agent of a bank that reports a suspicious transaction may notify any person involved in the transaction that the transaction has been reported.
- Any person subpoenaed or otherwise requested to disclose a SAR or the information contained in a SAR, except when such disclosure is requested by FinCEN or an appropriate law enforcement or federal banking agency, shall decline to produce the SAR or to provide any information that would disclose that a SAR has been prepared or filed, citing 31 CFR 103.18(e) and 31 USC 5318(g)(2).

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SAR Confidentiality

- 1020.320(e)(1) Prohibition on disclosures by banks--(i) General rule. No bank, and no director, officer, employee, or agent of any bank, shall disclose a SAR or any information that would reveal the existence of a SAR. Any bank, and any director, officer, employee, or agent of any bank that is subpoenaed or otherwise requested to disclose a SAR or any information that would reveal the existence of a SAR, shall decline to produce the SAR or such information, citing this section and 31 U.S.C. 5318(g)(2)(A)(i), and shall notify FinCEN of any such request and the response thereto
- This provisions also includes law enforcement. Law enforcement can not disclose the filing of a SAR even during trial testimony
- NOTE: You may disclose to other law enforcement under certain conditions.

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Authority for Disclosure:

Exceptions to Gramm-Leach-Bliley Act

- Nonpublic personal information may be disclosed to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability
 - 15 U.S.C. § 6802(e)(3)(B).
 - Examples include elders not consenting to certain financial transactions or being scammed into consenting.

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Financial “Red Flags”

- Erratic or unusual banking transactions, or changes in banking patterns;
- Frequent large withdrawals, including daily maximum currency withdrawals from an ATM;
- Sudden Non-Sufficient Fund activity;
- Uncharacteristic nonpayment for services, which may indicate a loss of funds or access to funds;
- Debit transactions that are inconsistent for the elder;
- Uncharacteristic attempts to wire large sums of money;
- Closing of CDs or accounts without regard to penalties

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Caregiver “Red Flags”

- A caregiver or other individual shows excessive interest in the elder's finances or assets, does not allow the elder to speak for himself, or is reluctant to leave the elder's side during conversations;
- The elder shows an unusual degree of fear or submissiveness toward a caregiver, or expresses a fear of eviction or nursing home placement if money is not given to a caretaker;
- The financial institution is unable to speak directly with the elder, despite repeated attempts to contact him or her;
- A new caretaker, relative, or friend suddenly begins conducting financial transactions on behalf of the elder without proper documentation;

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Caregiver “Red Flags”, con'd

- The customer moves away from existing relationships and toward new associations with other "friends" or strangers;
- The elderly individual's financial management changes suddenly, such as through a change of power of attorney to a different family member or a new individual;
- The elderly customer lacks knowledge about his or her financial status, or shows a sudden reluctance to discuss financial matters.

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Follow-Up on Reports

- Task Force members may contact the victim
- Complaint may be referred to local law enforcement
- Complaint may be referred to Adult Protective Services
- Family may be brought in to assist
- Customer's relationship with institution may be terminated

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Sad Truth

- In the CFPB study, fewer than one-third of EFE SARs (28 percent) indicate that the filer reported the suspicious activity to a local, state or federal authority.
- When filers did report suspicious activities to an authority, they reported three times more often to adult protective services (23 percent) than to law enforcement (7 percent).
 - Only one percent of MSB SARs indicate that the MSB reported the suspicious activity in the SAR
- If you don't read the SAR, how will you know?

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MSB SARs are Worth Reading!

- In *State v. Western Union Financial Services*, 199 P.3d 592, 219 Ariz. 337 (Ariz. App. 2008), AZ obtained a damning seizure warrant authorizing the State to seize for forfeiture all monies subject to WU person-to-person wire-transfers of \$500 or more sent from any of twenty-eight states to recipients in any of twenty-six WU agent locations in northern Sonora, Mexico, during a designated ten-day period.
- Note: Supreme Court, *En Banc*, reversed regarding seizing out-of-state money sent to Mexico. *State v. Western Union Fin. Services, Inc.*, 208 P.3d 218, 220 Ariz. 567 (Ariz. 2009)

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Section 314 (a) information requests

USA Patriot Act – Required Disclosures
31 CFR Part 1010.520

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Overview

- Section 314 authorizes:
 - Law Enforcement to communicate with banks and financial institutions about suspected money launderers, terrorists, etc.
 - Banks and financial institutions to communicate among themselves regarding the same.
- GOAL: "Section 314 helps law enforcement identify, disrupt, and prevent terrorist acts and money laundering activities by encouraging further cooperation among law enforcement, regulators, and financial institutions to share information regarding those suspected of being involved in terrorism or money laundering"

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History

- 2001: USA Patriot Act Enacted
 - One Goal: Enhance sharing of information between law enforcement and financial institutions
 - 314(a) of the Act directed Treasury to adopt information-sharing regulations
- Efforts to Expand
 - Currently FinCEN is considering expanding sharing from government to industry under 314(a).

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Who is covered?

"Any Financial Institution Required to Implement an AML Program"

- | | |
|------------------------------|---------------------------|
| • Banks | • Precious metals dealers |
| • Casinos, Card clubs | • Credit card operators |
| • MSBs | • Loan/finance companies |
| • Securities brokers/dealers | • Commodities Brokers |
| • Mutual funds | • Insurance Companies |

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Law Enforcement Search Requests

- Must be accompanied by a certification to FinCEN with
 - 1. Certification that the suspect person/entity is reasonably suspected of money laundering or terrorist activity
 - 2. Specific identifiers for suspect
 - 3. LEO contact person

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Financial Institution's Responsibilities

- Do a one-time search for:
 - Current accounts maintained by suspect or on his/her behalf
 - Prior account within the last 12 months
 - Transactions not conducted through an account that involve the suspect within the last 6 months
 - E.g.: Wire transmission
- NOT an ongoing duty

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Notifications

- Must notify FinCEN of a positive match
- Hold all supporting documents until notified by FinCEN
 - Will likely receive further legal process from law enforcement
- Otherwise keep information confidential – you are not to disclose except to demonstrate compliance.
 - Remember: An FI may share information with another institution, but may NEVER disclose the existence of a SAR.
 - However, one may share the information underlying a suspicious activity report
- Investigate activity to determine if the activity is suspicious and file a SAR when appropriate

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Form of Response to FinCen

- Must include
 - Name of identified person/entity
 - Identifiers for the same
 - Designation of a contact person at the Financial Institution

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Permissible Use by Law Enforcement

- Section 314(a) provides lead information only and is not a substitute for a subpoena or other legal process.
- To obtain documents from a financial institution that has reported a match, a law enforcement agency must use another legal process.

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Section 314 (b) Permissible Sharing

USA Patriot Act – Permitted Disclosures
31 CFR Part 1010.520

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314(b): Safe Harbor

- Section 314(b) of the USA PATRIOT Act provides financial institutions with the ability to share information with one another, under a safe harbor that offers protections from liability, in order to better identify and report potential money laundering or terrorist activities.
- 314(b) information sharing is a voluntary program.

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314(b): Voluntary Sharing Among FI's

Rules:

1. FIs must properly complete and file the Notice of Intent to Share. The notice form is available on FinCEN's Web site and may be completed and submitted electronically.
2. FIs must refile the notice annually. It's only good for one year from the date of the notice.
3. FIs can share only with other financial institutions that have similarly filed a Notice of Intent to Share.
4. FIs must maintain a log of sharing requests for both the receipt of and request for sharing information.

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Two Key Rules

- **ONE: The Information Sharing MUST Be Based on AML Concerns**
- **TWO: People can share information, but NOT SARS!!!**

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Limits on Use

- Information shared on a subject from a financial institution or financial institution association pursuant to Section 314(b) cannot be used for any purpose other than the following:
 - Identifying and, where appropriate, reporting on money laundering or terrorist activities
 - Determining whether to establish or maintain an account, or to engage in a transaction
 - Assisting in the purposes of complying with Section 314
- So for court ***you will STILL NEED TO GET LEGAL PROCESS.***

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- Question: Can a FI just pick up the phone and call the police?

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Section 314: Emergency Clause

- In situations involving violations requiring immediate attention, such as when a reportable violation involves terrorist activity or is ongoing, the financial institution ***shall immediately notify, by telephone***, an appropriate law enforcement authority and financial institution supervisory authorities ***in addition to filing timely a SAR***
 - FDIC: 2 C.F.R. § 353.3(b)(2)
 - FinCEN: 31 CFR 1020.320
 - Federal Reserve: 12 CFR 208.62(d)
 - OCC: 12 CFR 21.11(d)
 - FFIEC Manual, "Suspicious Activity Reporting", "Timing of a SAR Filing"

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Safe Harbor for Emergencies

- 31 USC 5318(g)(3) provides protection from civil liability for all reports of suspicious transactions made to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to the SAR instructions.

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- So, an FI can just pick up the phone and call the police and share information?

- Really?!

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12 U.S.C. § 3403

Nothing in this chapter shall preclude any financial institution, or any officer, employee, or agent of a financial institution, from notifying a Government authority that [it] has information which may be **relevant to a possible violation of any statute or regulation**.....Any financial institution, or officer, employee, or agent thereof, making a disclosure of information pursuant to this subsection, **shall not be liable to the customer** under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, **for such disclosure** or for any failure to notify the customer of such disclosure.

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12 U.S.C. § 3403: What can they share?

- Such information may include **only**:
 1. the name or other identifying information concerning any individual, corporation, or account involved in
 2. and the nature of any suspected illegal activity.
- Such information may be disclosed notwithstanding any constitution, law, or regulation of any State or political subdivision thereof to the contrary.

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Example:

Embezzler - They could share:

- Records of Jones' shortages and overages as a teller
- Complete records relating to the corporate account which has been victimized
- Information from employment records pertaining to Jones including such items as his employment application and salary level
- Information obtained from interviews with other employees which indicates that Jones is living in a style not in keeping with his income as a teller or that Jones engages in suspicious activities while performing his job as teller
 - U.S. Attorney Manual, CRM 430

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Example: ID Fraud – FI Can Include:

- Identifying information including government-issued checks
- Photographs of suspect taken by security cameras
- Signature cards for the accounts of suspects, "which demonstrated identical signatures"
 - *Hoffman v. Bank of America, N.A.*, No. 8:02CV1780T27GW, 2006 WL 1360892 (M.D.Fla. May 16, 2006)

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What Is Protected?

- Courts Approved of Disclosures in Cases of:
 - Ebay Fraud, Identity Fraud, Wire Fraud, Check Kiting
 - Bank Robbery
- While "a banker might have a good eye for something crooked going on, . . . a lawyer in the prosecutor's office would have to give considerable research and thought to the question of what specific offense had taken place."
 - *Puerta v. United States*, 121 F.3d 1338 (9th Cir. 1997)

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Courts Have Approved Release of

- Name and SSN
- Account Number(s)
- Copy of Passport
- Descriptions of Transactions
- Copies of Suspected Fraudulent Money Orders
- Logs of Account Activity
- Dollar Amount of Suspicious Transactions

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- Can you cold-call an FI?

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Safe Harbor Still Applies

- Courts have interpreted 12 U.S.C. § 3403(c) to apply not only to proactive disclosures by a financial institution, but also to disclosures in response to a direct inquiry from a government authority.
 - *Giannone v. Bank of America, N.A., et. al.*, 812 F.Supp.2d 216, 226 (E.D.N.Y. 2011) (citing *Puerta v. U.S.*, 121 F.3d 1338 (9th Cir. 1997));
 - *Hu v. Park Nat'l Bank*, No. 07-C-844, 2008 WL 4686159, at *2-3 (N.D. Ill. May 8, 2008)
 - *Bigl v. Wright-Patt Credit Union, Inc.* (S.D. Ohio, 2013)

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BUT NOT IN ALABAMA, GEORGIA OR FLORIDA!!!!

- The 11th Circuit does not recognize immunity on a Law Enforcement *VERBAL* request
- The 11th Circuit requires "written" legal process
- An FI STILL has immunity to make "a disclosure of any possible violation of law or regulation"

83

An FI STILL might get in trouble for calling police maliciously or in "Bad Faith"

- At least in some courts in California and in Arkansas
- But even then, an FI may still be protected under the law!
- For example, cases in Washington, New Jersey, Iowa, Texas, Kentucky, New Mexico, Ohio, the 1st and 2nd Circuit, protected against claims of "bad faith"

84

So, a Conversation is Ok?

- § 3403(c) is not limited to preliminary, one-time notifications; it extends to a bank's response to a government request, again so long as the information is relevant to the suspected illegal activity.
 - *Toader v. J.P. Morgan Chase Bank, NA*, No. 09 C 6684 (N.D. Ill., 2011)
- § 3403(c) protected bank when it made an initial notification of suspected criminal activity, then provided additional documentation in response to the law enforcement's follow-up request
 - *Sornberger v. First Midwest Bank*, 278 F. Supp. 2d 935, 937 (C.D. Ill. 2002)

85

Who To Include in My Financial Exploitation MDT?

A Team-Based Approach

86

Who "Shall Report"?

- A.R.S. § 46-454 specifies an individual's duty to report any abuse, exploitation, or neglect of a vulnerable or incapacitated adult.
- This law specifically points out the people who are generally responsible for caregiving and the financial affairs of an elderly such as:
 - physicians, registered nurses, accountants, attorneys, social workers, surgeon, dentist, psychologist, trustee, guardian, etc.
- If any of the professionals mentioned above has reasons to believe that an elderly is being financially exploited or abused in any way, then it's his fiduciary responsibility to report the case to concerned authorities.

87

Full List A.R.S. § 46-454

- | | | |
|--|--|---|
| • physician | • surgeon | ➢ peace officer |
| • physician assistant | • dentist | ➢ medical examiner |
| • registered nurse practitioner | • psychiatrist | ➢ guardian |
| • licensed practical or registered nurse | • psychologist | ➢ conservator |
| • certified nursing assistant | • pharmacist | ➢ fire protection personnel |
| • emergency medical technician | • speech, physical or occupational therapist | ➢ developmental disabilities provider |
| • home health provider | • long-term care provider | ➢ employee of the department of economic security |
| • hospital intern or resident | • social worker | |

88

Questions?

- Elliott Casey
- Justice 3D
- ejc2s@icloud.com

89



Investigating
Violent Crimes
Against Vulnerable
Adults

90

Studies Vary: 2 to 10% of all over 65 are victims of elder abuse

Estimates as high as 5 million abused each year. (National Council on Aging)

Those that are abused have a 300% higher chance of death. (National Council on Aging)

In a study from the New York State Office of Children and Family Services, only 1 out of nearly 24 elder abuse cases were reported to authorities. (www.nursinghomeabusecenter.com 2019)

91

54 out of 129 seniors with dementia experienced some form of psychological abuse from their caregiver
(2010 Journal of American Geriatrics Society)

92

Adults with Disabilities

57 million or 19% of the US Population

1 in 5 Americans

More than the U.S. Hispanic Population (17%)

Makes them the largest minority group in the US

38 million are classified as SEVERE

13% of the United States population

(United States Census Bureau, 2012)

93

ADULTS WITH DISABILITIES

- Cognitive
- Mobility and Physical Impairment
- Vision
- Hearing
- Psychological
- Invisible
- World Health Organization, (2001) International Classification of Functioning, Disability, and Health (ICF)

94

National Crime Survey (2011)

- Rape and sexual assault TWICE as high for the disabled adult compared to rest of the population
- North Carolina study places this number as FOUR times higher than rest of population (Martin et al., 2006)

Victimization

95

What is Elder Abuse?

Physical

Sexual

Emotional

Confinement

Passive Neglect

Willful Deprivation

Financial Exploitation

96

Why Hidden?

- **Reluctance of Victim to Admit Abuse:**
 - Feelings of shame
 - Fear of losing independence
 - Threat to livelihood / dependent on abuser
 - Afraid of what abuser will do

(www.iusticeclearinghouse.com, 2020)

97

Why Hidden?

- **Traditional LE Response**
 - Just a civil matter
 - Immediately question credibility

(www.iusticeclearinghouse.com, 2020)

98

Why Hidden?

- **Too Incapacitated to report!**
 - Signs may be missed

99

Why Hidden?

Victim may not be able to communicate

Victim may not know that it is wrong (Normalized)

Conditioned to be compliant (bathing, dressing, etc.)

Never been given the basic facts about sexuality and sexual acts

FEAR

EVAWI, (2019) Successfully Investigating Sexual Assault Against Victims with Disabilities

100

MEDIA

Has more impact on how we view reality - however,

- Mainly reports on nursing and care facilities
- Internet doesn't report widely

Why Hidden?

101

Why Hidden?

- Don't realize that abuse is a crime
- A family matter - don't want to get involved
- Ignorance of what can be done
- Believe that the victim can't testify, therefore police can't help
- Don't know who to report to

102

Why Hidden?**Public perception of myths**

- "No one would find them attractive enough to have sex with!"
- "He COULDN'T have been raped"
- "She doesn't even know what sex is, it has to be a misunderstanding"
- "He makes stuff up all the time"

EVAWI, (2019) Successfully Investigating Sexual Assault Against Victims with Disabilities

103

LEGAL FOUNDATIONS

104

PHYSICAL ABUSE

105

Assault and Battery**Abduction (Inappropriate restraint)****Wounding****Murder**

106

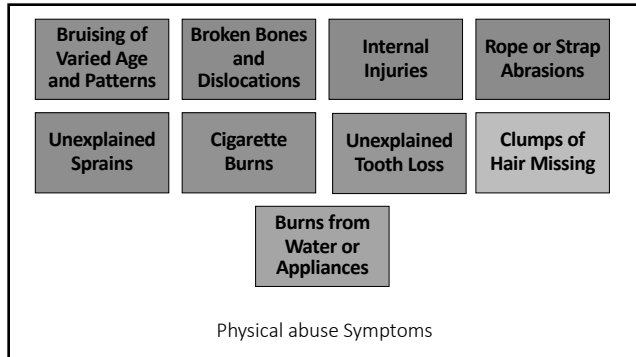
Fractures**Disfigurement****Burns or lacerations****Mutilation****Maiming****Life-threatening internal injuries or conditions**

107

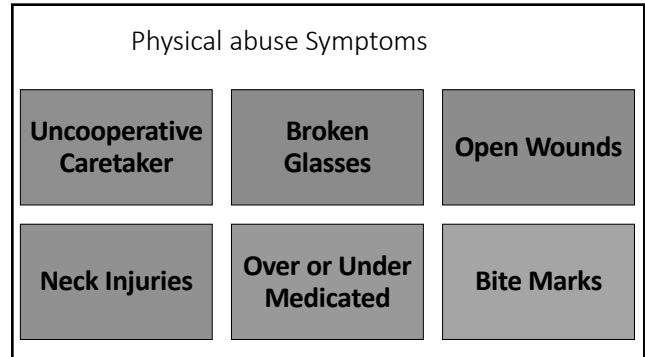
What prompts an investigation?

- Changes in personality or behavior
- Unexplained injuries
- Conflicting stories about how injuries occurred
- Unexplained financial loss, spending patterns, property loss
- Patient appears malnourished, over or under medicated
- Caregiver isolating the patient, never allowing anyone else to be alone with them

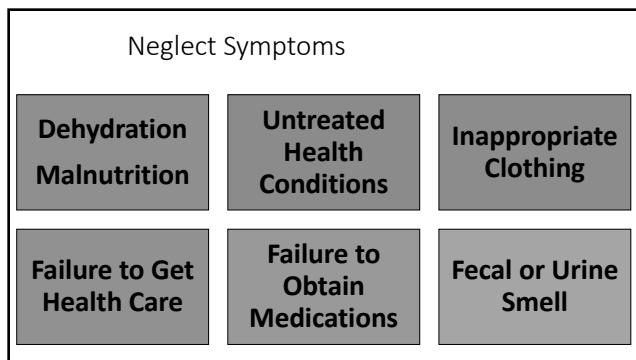
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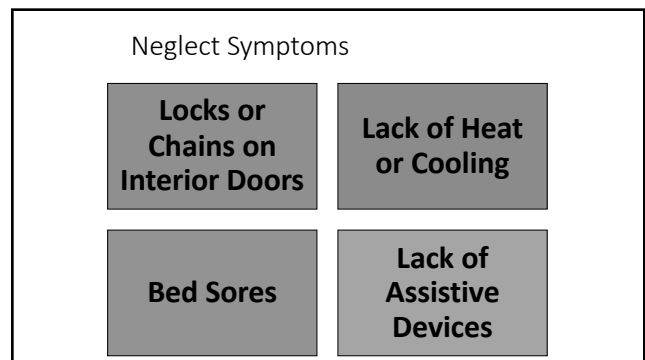
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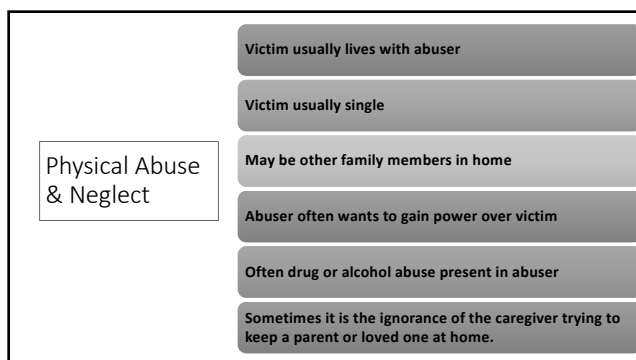
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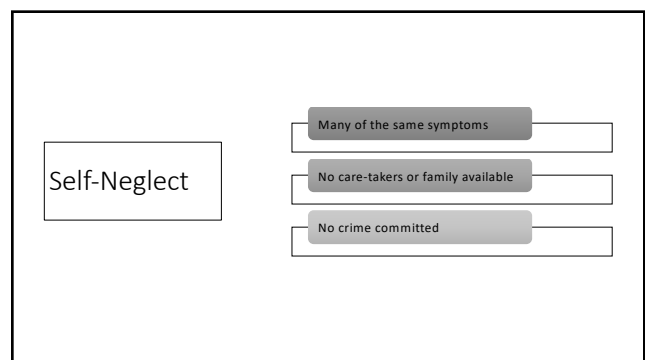
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112



113



114

Listen

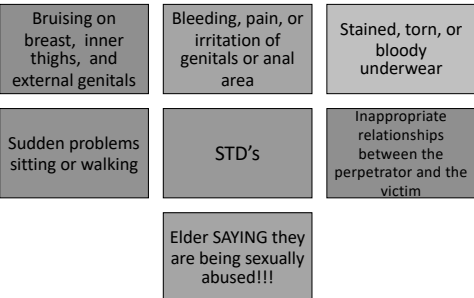
115

Sexual Abuse

Sexual abuse means touching, fondling, intercourse, or any other sexual activity with an adult, when the adult is unable to understand, unwilling to consent, threatened, or physically forced.

116

Symptoms



117

Barriers

Medical responders not trained to evaluate sexual assault in elderly victims

Bruises often attributed to the aging process rather than assault

Genital injury often attributed to "botched catheterization" or "rough perineal care".

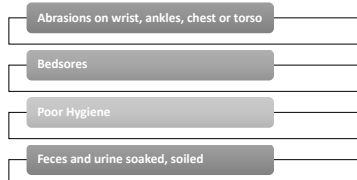
Memory impairment and dementia

Inability to communicate

Investigators not trained to communicate with the elderly

118

Symptoms

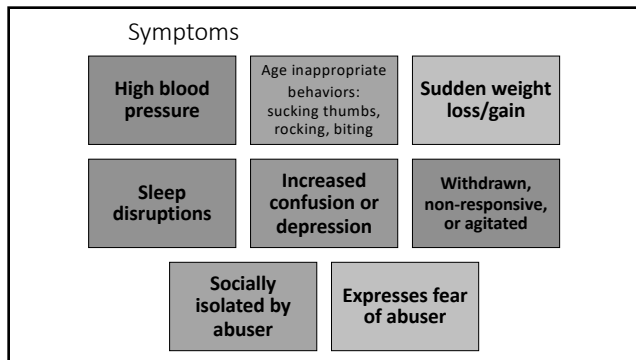


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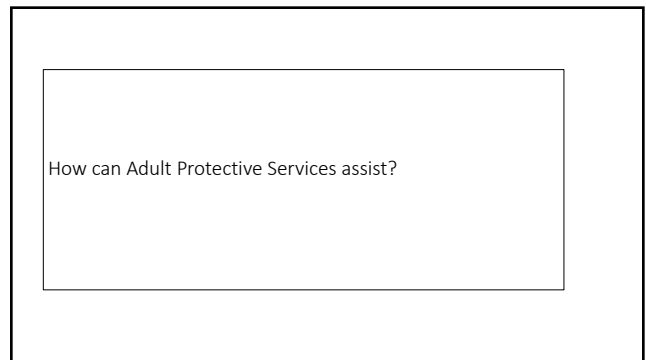
Emotional Abuse

Verbal assaults, threats of abuse, harassment, or intimidation.

120



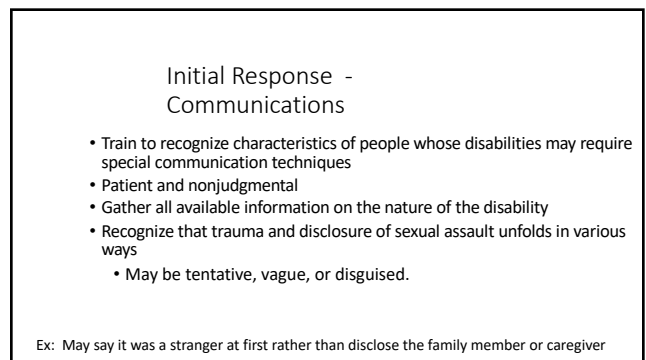
121



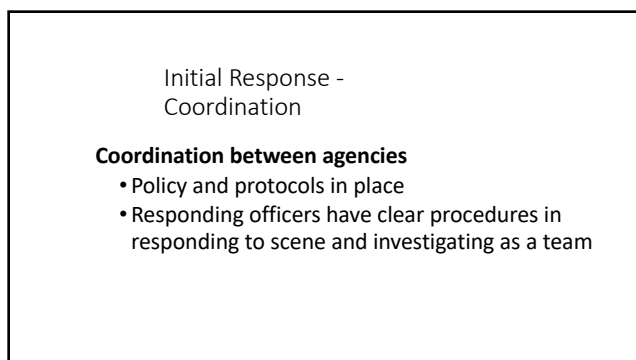
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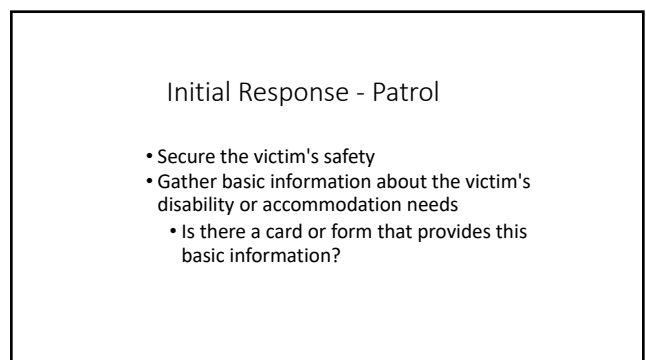
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124



125



126

Initial Response - Advocates

- Are field response advocates available?
- Game changer

127

Developing Investigative Strategy

- Is the suspect a caregiver?
- The age of the victim?
- The victim's general capacities?
- The capacity of the victim to give consent?
- Was there force, threat, or intimidation?
- Were there drugs involved? Illegal? Prescription?
- How to prove or show each one of these? Specific statute considerations.

128

Developing Investigative Strategy – Joint Investigation

- Discuss the strategy and how each role fits into the plan
- Information sharing policies and expectations
- Law enforcement determines if a crime has been committed, preserves the scene, collects the evidence, obtains statements from the victim, witnesses, and suspect

129

Developing Investigative Strategy – Joint Investigation

- APS can assess the risks of continued abuse of the victim, arrange for medical or psychological care, arrange for accommodations needed for victim interview
- All victim interviews should be coordinated and both APS and LE be present
- Specialized forensic interviewer?

130

Victim Interview

- Video if possible, to show:
- Orientation (how do they perceive time and place)
- Victim naming the suspect
- Victim signing their name for handwriting analysis
- Impact of crime on the victim

131

CAN THE VICTIM...

- | | |
|--------------------------------|--------------------|
| • Bathe themselves? | • Walk unassisted? |
| • Dress themselves? | • Cook? |
| • Use the bathroom unassisted? | • Drive? |
| • Use the telephone? | |
| • Use a computer? | |

132

Witnesses; who are they?

- Family and Friends
- Acquaintances/social
- Banking
- Medical Providers (past and present)
- Hair Stylists
- Church
- Neighbors
- Postal Carriers
- Delivery Persons
- Meter Readers
- Nearby local restaurants and businesses

133

Physical Evidence

- Suspect & Victim's Living Areas
- Victim's Body
- Injuries over time
- All signs of neglect
- Victim's clothing worn at time of the incident
- Bedding
- Document locks and restraints
- Photos or videos documenting abuse
- Address books, calendars
- Computers, flash drives, etc.
- Nutritional supplements and food available
- Other?

134

Financial and Legal Records

- Credit cards
- Investment Accounts
- Credit Reports
- Suspect's Bank Records
- Victim's Bank Records
- Checkbook Registers
- Power of Attorney
- Wills & Trusts
- Property Deeds
- Guardianship
- Conservatorship Papers

135

Legal Records

- All LE Contact
- 911 tapes
- Arrest Reports
- Criminal Histories
- Jail records
 - Phone Calls
 - Mail Covers
 - Visitor logs

136

Medical Records

- ER
- Treating Physicians
- Nursing Facilities
- Pharmacy
- Dentist
- Prescriptions
- Lab Reports
- Nurses Notes
- X-rays
- Social Workers Notes
- APS Records of all contact past and present

137

Consult

- Geriatricians
- Geriatric Psychologists and Counselors
- Wound Care Experts
- Medical Examiner
- Forensic Accountants
- Handwriting Analysts

138

Evidence of:

- **Suspect's role as caregiver**
- **Force, threat, fear and intimidation**
- **Incapacitation**

139

Elder Abuse Guide for Law Enforcement (EAGLE)

Online tool provided through Department of Justice

- Tools to assist in documenting case for court
- Zip code based community resources
- State by state laws in reference to elder abuse
- Webinars for training

140

Resources for Victim

141

MDT Investigation

- Law Enforcement
- Adult Protective Services
- Medical Experts
- Advocates
- Prosecutor

142

Victim Advocates

- Assist**
 - Assist with referrals to social service agencies
- Follow**
 - Follow-up to make sure referrals where acted upon, "Doesn't fall through cracks"
- Help**
 - Help victim with a safety plan
- Advise**
 - Advise police of any additional on-going concerns for victim's safety
- Work**
 - Work with hospital social workers for safe discharge plans for the victim

143

Medical Professionals

- M.E. and Doctors may not agree!**
- Establish a relationship with a Doctor that treats and understands the complexities of aging and health care of older adults.**

144

Prosecutor

Must be involved from the initial call in serious cases

Provide law enforcement with strategic guidance on the case

Liaison with medical professional as to wound interpretation and causes

Attend autopsy if a death case

145

Case Study

146

Understanding the Neurobiology of Trauma

147

01

Trauma applies to all cases – but the misunderstanding has had significant impact in our sexual assault cases

02

Takes a team approach – everyone needs to understand the science

03

This is just an overview

JBD

148

BIAS

prejudice in favor of or against one thing, person, or group usually in a way considered to be unfair

149

Overcome Bias (Ageism)

Clear

Before the interview, clear your mind of all stereotypes about senior adults

Treat

Treat the victim with respect throughout the interview

Know

Know that people with memory problems can still tell you what happened

Believe

Believe them until evidence shows the contrary

150

Lack of Control

151

Physical Injury

152

Victimization

153

Let's Talk
Brain
Science

154

Trauma causes
physical changes in
the human brain

155

WHY DIDN'T YOU...

FIGHT

SCREAM

RUN

???????

156

Reflexes & Habits

All that is left when defense circuitry takes over

157

Self-Protection Habits

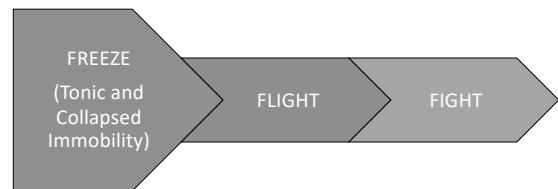
Why was I so polite????



158



159



160

Tonic Immobility

- Fixed or unfocused staring
- Feeling Cold
- Rigid or trembling muscles
- Rapid Blinking
- Numbness to pain

Collapsed Immobility

- Extreme drop in BP and Heart Rate
- Loss of muscle tone "went limp"
- Sleepiness
- Total loss of consciousness

161

Memory & Trauma

162

Dementia

*The damaged nerve cells in the hippocampus mean this part of the **brain** can't function properly, which can lead to the early symptoms of Alzheimer's – memory loss and disorientation.*

163

Dementia Early Stages

- May still live independently
- May still drive
- May work and socialize
- Will have memory lapses
 - Forgetting familiar words
 - Forgetting location of everyday items
 - Not being able to plan or organize
 - Uncharacteristic "poor judgement or decisions"
 - Others may notice "something not quite right"

164

Dementia Middle Stages

- May last for years
- Level of care needed will increase
- Confused about where they are
- Confused about what day it is
- Forgetting major life events or things that happened recently
- Moody/withdrawn
- Can't remember address, phone #, high school or college
- Disrupted sleep patterns
- Wandering/getting lost
- Paranoia, delusional, compulsive, and/or repetitive behaviors

165

Dementia Late Stages

- Requires 24/7 help
- Increasing difficulty communicating
- Loss of awareness of recent experiences
- Loss of awareness of surroundings
- Gradual loss of all physical abilities
 - Walking
 - Sitting
 - Swallowing
 - Bowel and bladder functions

166

How to Approach

CHALLENGING STANCE

- Directly in front or angled at a 45 is confrontational
- Likely to trigger flight, fight or freeze

SUPPORTATIVE STANCE

- Stand slightly to the side
- Arms reach
- Allows the person to look away easily
- Non-confrontational

167

How to Approach

Get to eye level

- DO NOT Bend at waist
- Instead - crouch or squat
- Allows one to feel more in control
- **Offer your hand**
 - Puts at ease
 - Fosters sense of cooperation

168

How to Approach

Use their name and smile

- Sense of familiarity
- Sense of safety

169

How to Approach

Simple but sets the tone for the entire interview

- Our normal approach may seem frightening/aggressive to the dementia damaged brain
- Approach slowly, allowing time for the brain to analyze.
- Use "one second, on step" rule

170

No "Who, What, When, Where, Why and How!!"

May have difficulty finding the right words

Using familiar words repeatedly

Losing train of thought

Speaking less

Relying on gestures

Then we add trauma...

171

Traditional Interview Style - Barriers



Who, What, Where, When, Why and How



Police Personality



Formal Training



On-the-job experience

172

What we want...

Beginning, Middle, End

Who, What, Where, When, Why, How???

Concise & to the Point

173

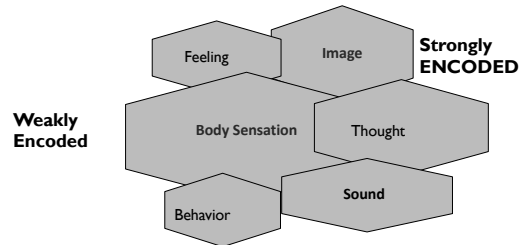
~~PRE-FRONTAL CORTEX~~

~~Logic~~ ~~Choices~~

Focus is on SURVIVAL
SENSORY experiences are strong
PERIPHERAL details are not important

174

A mess of a memory



175

What we get...

- **Not Chronological**
- **Flashbulb**
- **Weak narrative**

You can't force it...

176

Memory
Time & Stress

177

Peripheral
details are lost
as time passes

178

Stress impairs
retrieval

179

Trauma-Informed Interviewing

180

Approach interviews through a trauma lens...

181

Prepare!

- What is the evidence and allegation thus far?
- Background of your victim?
Use to develop rapport building methods
- Develop a list of questions
 - Determine the order of your questions in order to ease the victim into the interview
 - Practice your questions

182

Where do we talk?

- Victim's Home (Issues?)
- Church/parsonage
- Senior Center
- Others?

183

Give back control

184

What if the victim asks for a support person ... other than the advocate?

185

- Might help the victim provide better information
- Some states protect the victim's right to have their own support person other than advocate
- Set the ground rules

186

Ground Rules – Shared with Support Person and Victim

- They are there for the emotional support of the victim during the interview process
- They are NOT there to ask or answer questions during the interview process (this can be done at the end)
- They are not to take notes or record any part of the victim interview process

187

Not everyone can stay...

- Exclude anyone who may be a witness
- Discourage parents, spouses, intimate partners
- Exclude anyone that wants to tell the victim's story instead of letting the victim talk
- Exclude anyone that becomes antagonistic toward the investigator or the victim during the interview

If someone is asked to leave, the investigator needs to assume the responsibility, not the victim.

188

Time

- Recognize that these interviews can be lengthy
- Address possible distractions so the victim can be completely "present"



189

Time: Morning or afternoon?

Communication Barriers: hearing, vision, speech difficulties.

Is the interview out of hearing or presence of any potential suspects?

190

Make sure you are "present" too

191

Build Trust

Good interviewers do it intuitively

- Patience
- Compassion
- Empathy
- Flexible

Recognize that your actions directly affect the victim's healing

192

Interviewing Techniques

Limit	Limit the number of interviews
Minimize	Minimize the number of people present
Make	Make sure the victim is as comfortable as possible
Explain	Explain carefully to the victim what to expect during the interview

193

Record if possible

- Refrain from taking notes as much as possible
 - Intimidating to victims
 - Interferes with building and continuing rapport
- If notes are needed
 - Only during clarification stage
 - Explain to victim why you are taking notes

194

Acknowledge
Anxiety

- Try to determine the cause(s)
- "You seem anxious Mrs. Smith, is it that you are afraid your son will find out what you have told me?"
 - "Tell me more about that, what makes you think he will be upset?"

195

Getting Started
– Setting the
Stage

Let the victim know that it is ok for them to interrupt you at any time with a correction, thought, or question

Let them know that they can decide if/when a break is needed and can stop the interview at any point

196

Interview

Older individuals, especially those in crisis, may need more time to collect thoughts

They may need frequent breaks

197

Tone

Express patience and support

Calm and reassuring

198

Body language and Expressions

- Pay attention!
 - Will help you notice what calms them
 - Will help you notice what upsets them
 - Ex; if you close the door to the room and their eyes dart towards the door and expressions of fright or concern are shown.

199

Hearing Loss

- Remember - people with hearing loss are VISUALLY oriented
- Good lighting is a must
- Use facial expressions and gestures to help communicate

200

Blind or Visually Impaired Vision	Begin by	Begin by introducing yourself
	Allow	Allow everyone in the room to speak so victim knows who is there
	DO NOT YELL	DO NOT YELL OR SPEAK LOUDER THAN NORMAL!
	Have	Have someone verify who you are before arrival
	Allow	Allow victim to hold and touch your badge and credentials.

201

Tell the person what you are doing whenever there is a lag or long silence

Ex: "I am just taking a second to write down some notes, so I don't forget what we have said so far Mrs. Jones."

202

- Let them know if anyone leaves, or arrives new to the interview
- Use words to describe you are listening or reacting positively....remember, they cannot see your facial expressions.

203

Impaired Eyesight

- Other senses can provide detailed information
- Touch: describes the person's facial hair, hair length, body type and weight, clothing...
- Hearing: suspect's voice and accent, specific word patterns...
- Smell or taste: tobacco or drug smell, alcohol, cologne, etc...

204

Open ended questions

Speak Slowly

Only ask about one thing at a time

Eye Level / Best Ear?

Be patient

Don't Correct

eagle.usc.edu

205

- Open-ended questions & prompts – free flowing narrative
- Sensory questions
- Option posing questions
- No leading questions
- No "why" questions
- Clarification questions – carefully

206

Permission not to remember

Begin by saying something like...

"Share with me anything you can remember about this experience. You can start wherever you want..."

207

Permission not to remember

Gives them permission to not remember details

Communicates it is ok and expected that they won't remember things

Never "force" a victim to dwell or focus on a point they cannot remember

208

let the victim go at their own pace and use their own words - fight the urge to interrupt, clarify or redirect...

209

Speak directly to the person rather than to his or her caregiver or companion.


Take time to listen to the person express his or her thoughts, feelings and needs.

Give the person time to respond. Don't interrupt unless help is requested.

Ask what the person is still comfortable doing and what he or she may need help with.

It is **OK** to laugh. Humor lightens the mood and makes communication easier.

210



Short, simple sentences:

- "Mrs. Smith, is your arm hurt?"
- "Mrs. Smith what can you tell me about those bruises?"
- "Tell me more about how that happened"
- "What can you remember about these marks?"

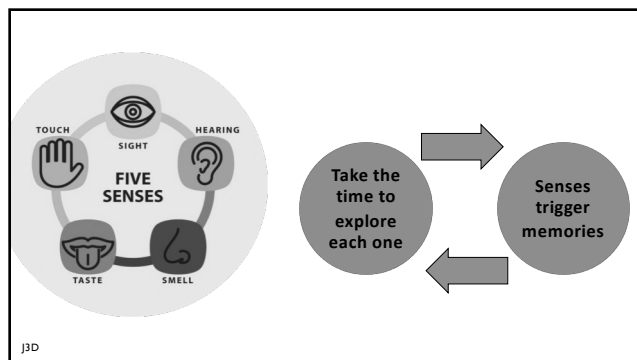
Now fold in sights, sounds, smells, touches as they start to talk about it. Activate the sensory memories.

211

Even if the person appears confused - do not automatically discount the information –

- Make every effort to obtain their best response before relying solely on the information of other people

212



213

Establishing
Force,
Threat &
Intimidation

- When did you first feel afraid?
- What changed at that point for you?
- What was going through your mind then - compared to before?
- Compared to _____ were you feeling more or less afraid? Why?
- Tell me more about what made you feel forced
- Tell me more about him - his demeanor, his size, his strength...

214

Central
Details

What is the one thing you remember the most about this event?

What stands out in your mind the most when you talk about this event?

What is the one thing that you cannot forget about this event?

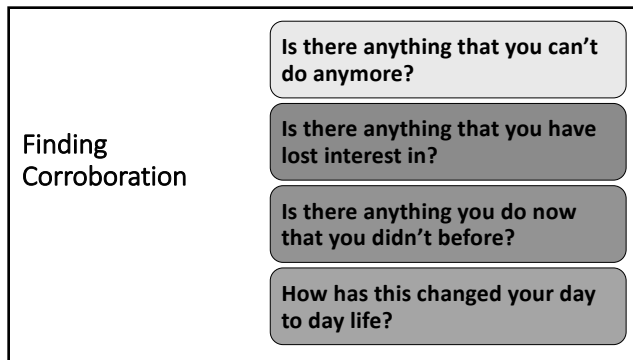
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Finding
Corroboration

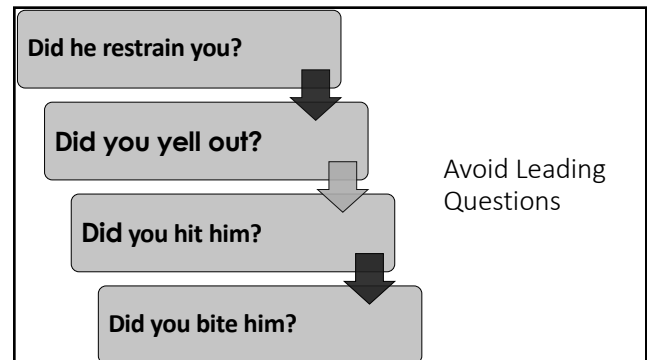
What was your most significant physical feeling?

**Who have you told about what happened to you?
When did you tell?**

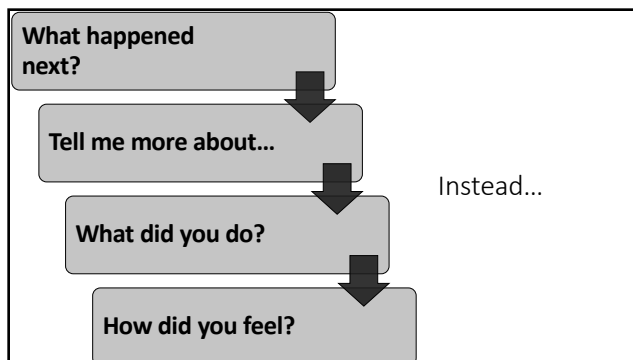
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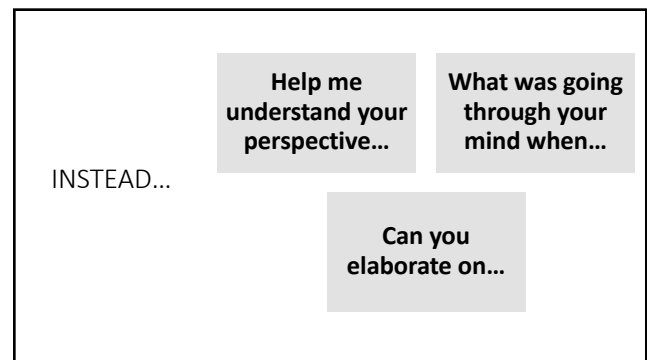
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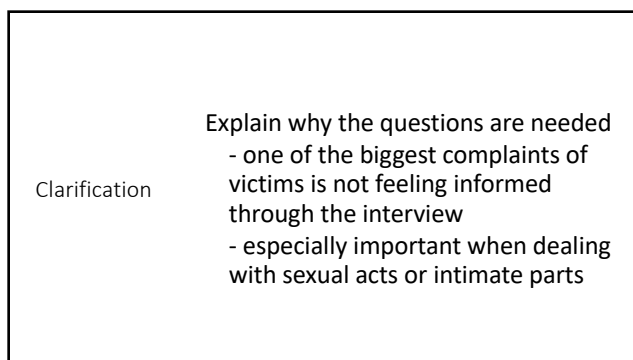
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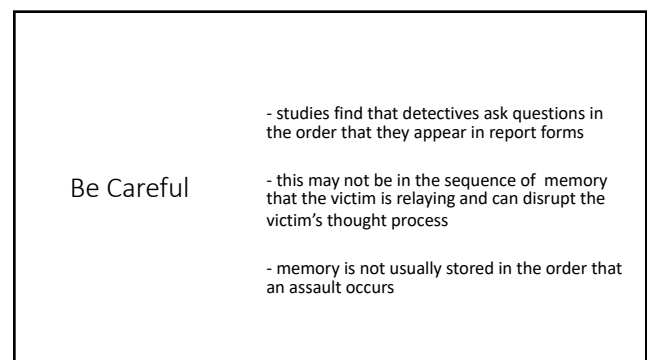
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220



221



222

Be Aware

Victims may have ambivalent feelings toward the abuser
May display:

- Love
- Loyalty
- Attachment
- Protectiveness

223

Conclusion

Conclude the interview in a way that leaves the victim feeling free to contact you again
Make sure they have a reliable way to contact you

224

Suspect
Interview



Empathy Based Interview

Remember - they WANT to tell you a story... Let them!

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Problem
Solving
Environment

Creativity

Flexibility

Patience

Empathy

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Thorough knowledge of....

- Crime Scene
- Witness Statements
- Previous Statements made by Suspect
- Evidence (if any)
- Criminal History

Before your
Suspect
Interview

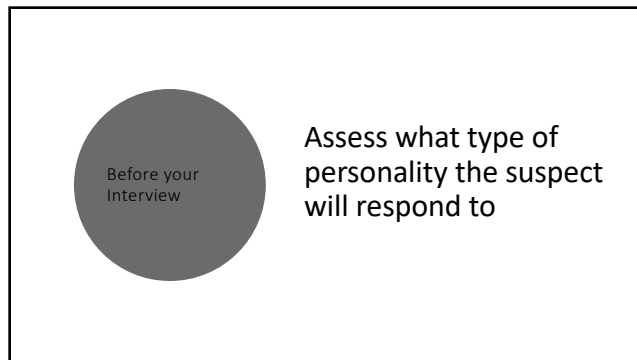
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Interview "Ops" Plan

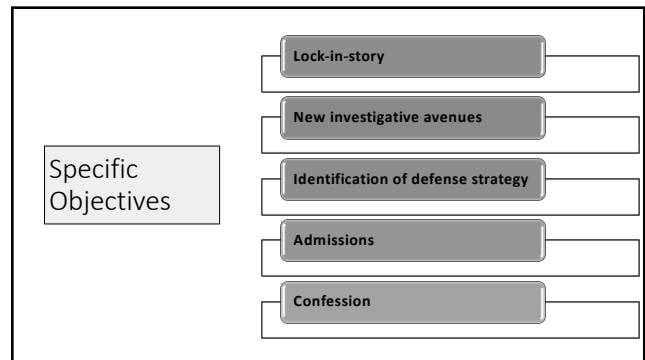
What are your goals for the interview?

- Elements that need to be corroborated?
- Trial strategy of prosecutor?
- Possible Defense Strategies

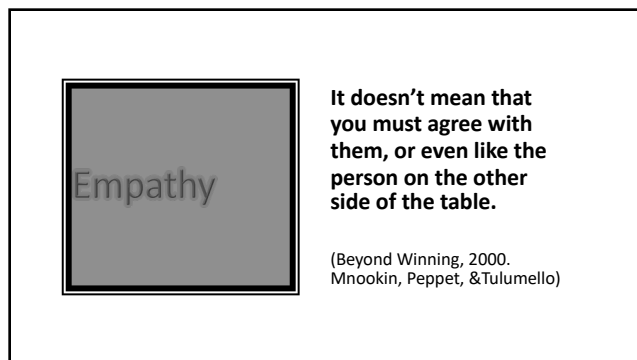
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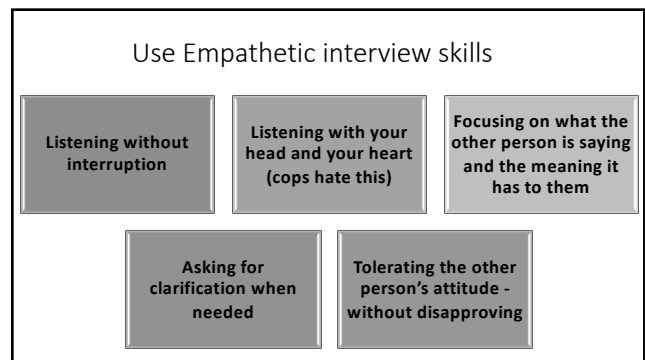
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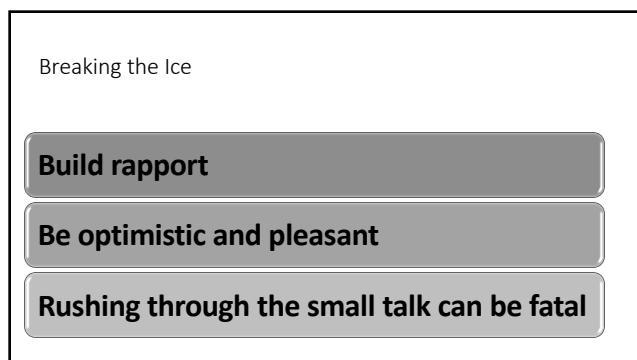
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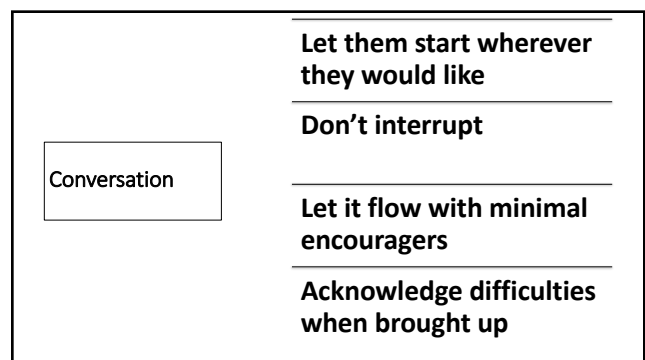
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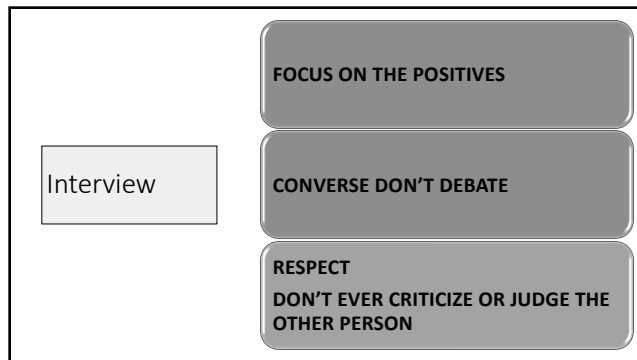
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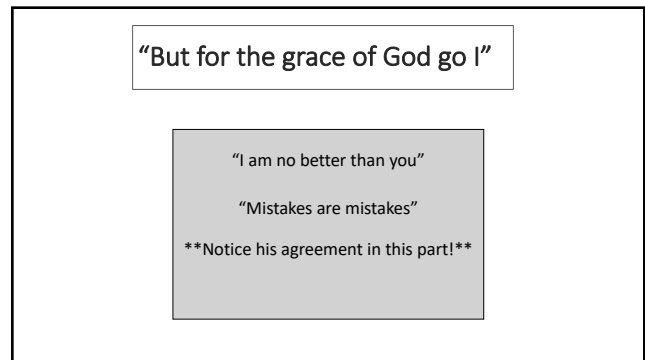
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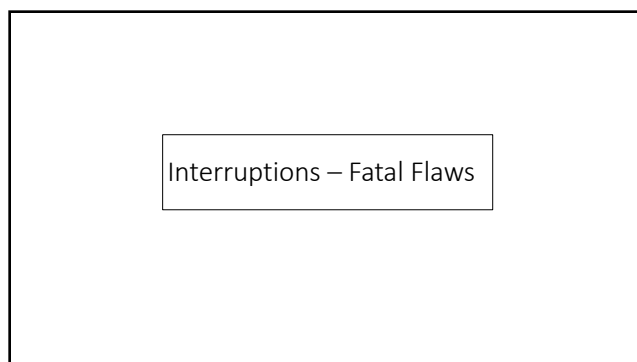
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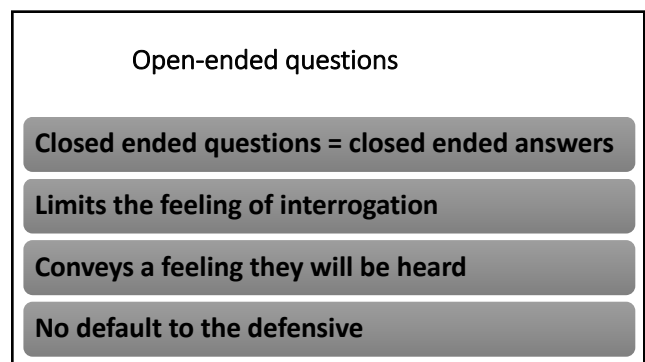
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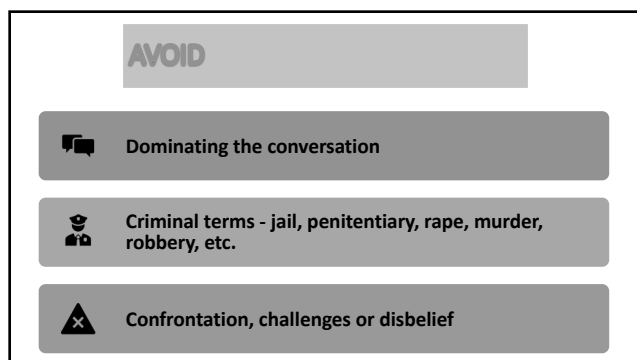
236



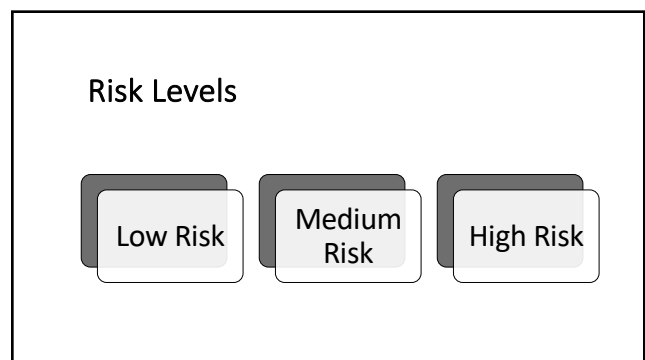
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Strategic Introduction of Evidence

Least threatening to most damning

- Photos
- Records
- Victim/Witness Statements
- Video
- Medical

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sources

Elder Abuse Training for Law Enforcement

Created by Office on Violence Against Women, U.S. Department of Justice, in partnership with National Clearinghouse on Abuse in Later Life

Elder Financial Exploitation, Undue Influence and Investigative Strategies – An Advanced Law Enforcement Training for Investigators and Detectives

Created by Central Virginia Training Alliance to Stop Elder Abuse, Neglect and Exploitation

www.justice.gov/elderjustice/eagle-elder-abuse-guide-law-enforcement

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